

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAUREN ANN MILLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45859

FILED

FEB 06 2006

ORDER OF AFFIRMANCE

JANETTE M BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is an appeal from an order of the district court denying appellant Lauren Ann Miller's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Robert H. Perry, Judge.

Miller was convicted, pursuant to a guilty plea, of two counts of child abuse and/or neglect causing substantial bodily harm.¹ The district court sentenced Miller to serve two concurrent prison terms of 48-240 months and ordered her to pay \$4,990.00 in restitution jointly and severally with her codefendant. Miller did not pursue a direct appeal from the judgment of conviction.

Miller filed a timely proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. The district court appointed counsel to represent Miller and conducted an evidentiary hearing. The district court denied Miller's petition and Miller subsequently filed this timely appeal.

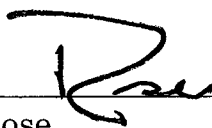
¹Miller was initially charged, along with her codefendant, with three counts of child abuse and/or neglect causing substantial bodily harm and four counts of willfully endangering a child as the result of child abuse and/or neglect, for conduct directed towards her 2-year-old daughter.

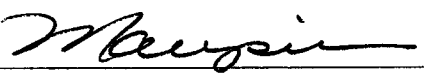
Miller contends that the district court erred in determining that she did not receive ineffective assistance of counsel thus rendering her guilty plea invalid. Specifically, Miller claims that her guilty plea was entered unknowingly and involuntarily because counsel (1) "promised" that she would receive probation, and (2) told her that she was pleading to a gross misdemeanor rather than a felony. We disagree.

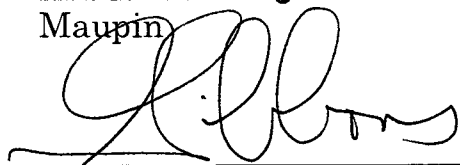
The district court found that counsel was not ineffective and that Miller's guilty plea was validly entered. The district court's factual findings regarding a claim of ineffective assistance of counsel are entitled to deference when reviewed on appeal.² Miller has not demonstrated that the district court's findings of fact are not supported by substantial evidence or are clearly wrong. Moreover, Miller has not demonstrated that the district court erred as a matter of law. Therefore, we conclude that the district court did not err in denying Miller's petition.

Having considered Miller's contentions and concluded that they are without merit, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

²See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).

cc: Hon. Robert H. Perry, District Judge
Scott W. Edwards
Marc P. Picker
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk